

Planning Report

Thursday, August 11, 2016

Public Nuisance Regulations – Code Amendment

Case Summary

Agenda Item	3
Case Number	16-036ADMC
Proposal	Amendment to the Zoning Code to amend the International Property Maintenance Code and relocating the Nuisance and Health/Safety related sections of the Zoning Code to Section 153.076, Public Nuisance Regulations.
Request	Review and recommendation of approval to City Council of a Zoning Code amendment under the provisions of Zoning Code Sections 153.232 and 153.234.
Applicant	Dana L. McDaniel, City Manager, City of Dublin, Ohio.
Planning Contact	Logan Stang, Planner I.
Contact Information	(614) 410-4652, lstang@dublin.oh.us
Planning Recommendation	<i>Recommendation of approval to City Council.</i> The proposed modifications to the Zoning Code for the Public Nuisance Regulations are appropriate and provides a cohesive listing for Code Enforcement and the public to utilize. Planning recommends that the Planning and Zoning Commission recommend approval of this amendment to City Council.

Facts Zoning Code Amendment	
Case Summary	This is a request by City Staff for review and recommendation of approval to City Council to amend and relocate various sections of the Dublin Code of Ordinances pertaining to property management and maintenance under a single Public Nuisance Regulations section, §153.076 within Chapter 153 Zoning Regulations.
Background	The intent of this Code amendment is to organize sections of the Code that pertain to residential maintenance and management for both property owners and neighborhoods. The existing Code contains regulations regarding property maintenance in a number of different chapters making it difficult to locate and identify applicable standards. Many of these regulations fall under the category of public nuisances to which a Code section already exists. Staff has initiated the organization of public nuisance related subjects to the existing Code §153.076 in an effort to create a comprehensive set of property maintenance regulations. There are minimal text revisions associated with this Code amendment as the primary purpose is the relocation of sections.

Details Zoning Code Amendment	
Process	Code Section 153.232(B)(9) provides the Planning and Zoning Commission with "other powers and duties" which includes making recommendations to City Council for amendments to the Zoning Code. The Commission should review the modifications, provide input, and vote on the changes. The proposed amendment will be forwarded to City Council for its consideration. The following sections summarize the major components and considerations of each section of the zoning regulations proposed for the amendment.
150.231 Additions, Insertions and Changes	<ul style="list-style-type: none"> • Replace "Chief Building Official" with "City Manager" as the Code Official. • Remove "Serious Hazard" definition and any associated Code Sections that reference this terminology.
153.073 Comprehensive Residential and Neighborhood Improvement	<ul style="list-style-type: none"> • Relocation of sub-sections (A) <i>Purpose</i>, (C) <i>Condition of premises; waste accumulation</i>, (F) <i>Corrective action by municipal officials</i>, & (G) <i>Appeals</i> to §153.076(B). • Revising "BSC" zoning classifications to "BSD" designations.
95 Weeds	<ul style="list-style-type: none"> • Relocate Sections 95.20 Definitions, 95.21 Removal of noxious weeds and grass; duty of Code Enforcement Officer, 95.22 Notice to owner to cut weeds and grass, 95.23 Failure of owner to comply, 95.24 Costs, 95.25 Payment of Costs; unpaid costs a lien, 95.26 Exemptions, and 95.99 Penalty to §153.076(C).

Details	Zoning Code Amendment
95.09 Storage of residential waste and recycling containers	<ul style="list-style-type: none"> Relocate to §153.076(D).
153.207 Parking in Residential Districts	<ul style="list-style-type: none"> Relocate to §153.076(E).
94.05 Littering	<ul style="list-style-type: none"> Relocate sub-sections (L) through (U) to §153.076(F). Addition of sub-section (L) <i>Penalty</i> to create a sequential violation list for repeat offenders.
153.076 Public Nuisance Regulations	<ul style="list-style-type: none"> Revise sub-section (A) <i>Prevention of nuisance</i> to apply to the entire section for public nuisance regulations. Creation of sub-section (B) <i>Residential Property Management</i> Revise all penalty sub-sections to refer to a single penalty section applicable to all public nuisance regulations. Creation of sub-section (G) <i>Penalty</i> for the public nuisance regulations section. Remove the appeals process from sub-section (B) as it is no longer applicable.

Analysis	Zoning Code Amendment
Review Considerations	<p>The Zoning Code does not provide for specific review standards for Zoning Code text amendments. However, there are certain considerations that are appropriate when considering an application for these amendments. These are provided below, along with relevant analysis. The Commission is not limited to these considerations, and may choose to give each its own weight as part of the deliberations for a recommendation to City Council.</p>
<i>Intent and Purpose</i>	<p><i>Whether the amendment is consistent with the intent and purpose of this Chapter and the Community Plan.</i></p> <p>Guideline Met</p> <p>The purpose of this Zoning Code Section was to create a list of regulations regarding property maintenance that could be enforced by the City. The addition of these sections will further enhance this purpose and rectify the issue of having segmented these regulations to various chapters of the Dublin Code of Ordinances.</p>
<i>Error or Omission</i>	<p><i>Whether the change is the result of an error or omission in the original text.</i></p> <p>Guideline Met.</p> <p>It is difficult to know the reasoning behind separating these regulations among various chapters. These sections are focused on clear, specific topics making their inclusion in the Dublin Code of Ordinances necessary for proper management. While some sections are general in nature they all have a relationship with the Zoning Code making Chapter 153 the most appropriate location for reference and enforcement.</p>

Analysis		Zoning Code Amendment
Area Effects	<i>The potential effects on areas that are most likely to be directly affected by the change.</i> Guideline Met. The proposed amendments will serve to benefit the entire City through the combination of all property maintenance regulations. The minimal text changes proposed rectify outdated and insufficient information that will ensure compliance with the Zoning Code.	
Creation of Nonconformities	<i>Whether the change might result in the creation of significant nonconformities on properties in the city.</i> Not Applicable	

Recommendation		Approval
Approval	The proposed modifications to the Zoning Code for the Public Nuisance Regulations are appropriate and provides a cohesive listing for Code Enforcement and the public to utilize. Planning recommends that the Planning and Zoning Commission recommend approval of this amendment to City Council.	